

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of Decisions by the Universal)	CC Docket No. 02-6, 96-45, 13-184
Service Administrator for)	
Castro Valley Unified School District)	September 14, 2018

Schools and Libraries Universal
Service Support Mechanism

Funding Year 2016
Form 471 Application and FRNs
471 161048653 FRNs 1699110784, 1699110819,
1699110836, 1669110854, 1699110871,
1699110882, 1699110898, 1699110920,
1699110936, 1699110993, 1699111006,
1699111017, 1699111079, 1699111111,
1699111132, 1699111149, 1699111164,
1699111180, 1699111192, 1699111216,
1699111234, 1699111245, 1699111260,
1699111271 & 1699111287

Request for Review

Castro Valley Unified School District¹ (“Castro Valley USD” or “District”) pursuant to and in accordance with Sections 54.719 – 54.725 of the Federal Communications Commission’s (“FCC” or “Commission”) rules, respectfully requests the FCC overturn the denial issued in the Revised Funding Commitment Decision Letter (See *Exhibit 1 - CASTRO VALLEY UNIF SCHO DIST Revised Funding Commitment Decision Letter*) issued on July 17, 2018² by the Universal Service Administrative Company (“USAC”), as administrator of the Schools and Libraries Support Mechanism (“E-rate Program”).

Background

Castro Valley USD³ filed application # 161048653 for the 2016-2017 E-Rate Funding year, the District and CSM, the Applicant’s E-rate Consultant of record, filed twenty-five FRNs for a Districtwide Network Upgrade. The District was issued an FCDL on February 9, 2017. This FCDL, did not allow sufficient time to plan, deploy, and complete the project by September 30, 2017 so a timely filed and valid Service Delivery Extension was requested.

FCC Form 500 (#68153) requesting a Service Delivery Extension to extend from September 30, 2017 to September 30, 2018 was filed on September 15, 2017 in accordance with the E-Rate rules and

administrative regulations before the 9/30/2017 deadline. (See *Exhibit 2 - Form 500-68153-Castro Valley Certified*). On November 15, 2017, outreach was issued by USAC through EPC requesting “In your request for implementation (service delivery) extension, on the FCC Form 500/68153, you indicated “The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.” Please describe in detail the circumstances that were beyond the service provider’s control” (See *Exhibit 3 – CastroValleyUSD500 - 68153 EPC Outreach*). Castro Valley USD responded the same day November 15, 2017) stating; “Castro Valley Unified School District is requesting an extension on the service delivery due to the large scope of work, funding delays, and other scheduling conflicts within the District and the Service Provider work was not completed prior to September 30, 2017. Therefore the applicant requests an extension because the service provider was unable to complete delivery and installation for these reasons beyond the service provider control.” No additional outreach was issued by USAC after this response was submitted.

On January 10, 2018, a Revised Funding Commitment Decision Letter (RFCDL) (See *Exhibit 4 - RFCDL Form 500 68153 SDD Denial*) was issued, denying our Service Delivery Deadline Extension request for Form 500 #68153 with the following Post-Commitment Rationale; “Current deadline guidelines and procedures do not allow approval for the reason submitted.” It was identified by USAC and CSM that this denial was issued in error, along with several other applicants’ Form 500(s) with similarly situated circumstances. Direct guidance from USAC was provided instructing affected applicants to create a NEW FORM 500 and reference the OLD Form 500 # in the narrative. (See *Exhibit 5 – USAC Guidance for 2016 SDDE requests DENIED*) & (See *Exhibit 6 Multiple 2016 Form 500 Status as of 2.20.2018*)

Following direct guidance issued by USAC, a new Form 500 was filed on January 30, 2018 (Form 500 #88819) (See *Exhibit 7 - Form 500-88819-1_31_2018 4_28 PM*) and in the narrative, the following information was provided, “This Form 500 request for Service Delivery Deadline Extension supplements Form 500 #68153 (that was denied) and has been created at the direction of USAC in order to better address the reason(s) for the request that are beyond the Service Provider’s control as the initial outreach from USAC did not include any follow-up communication prior to denial of the request.”

No outreach was issued by USAC regarding Form 500 #88819 which was filed in accordance with implicit resubmission instructions from USAC's management. An RFCDL was issued on February 7, 2018 (See *Exhibit 8 - RFCDL Post Commit Request - 88819 - CASTRO VALLEY UNIF SCH DIST*), denying the Service Delivery Deadline Extension request with the following Post-Commitment Rationale; "Request received after the FCC deadline for Implementation (Service Delivery) Deadline Extension requests which was 9/30/2017." On February 26, 2018, direct guidance from Dave Belgard, Program Analyst, Schools and Libraries Program was AGAIN provided, instructing Castro Valley USD to appeal this Revised Funding Commitment Decision based on the fact that the original Form 500 #68153 was filed in accordance with the E-Rate rules and regulations before the 9/30/2017 deadline and that the denial by USAC was unwarranted and unprecedented.

USAC Appeal Denial

A Letter of Appeal was submitted to USAC on April 3, 2018, within 60 days of the 2nd Revised Funding Commitment Decision Letter, (See *Exhibit 9 - Castro Valley USD Y19 USAC - Letter of Appeal*). The appeal petitioned for USAC to amend their decision to deny our timely filed Form 500 Service Delivery Extension Request from 9/30/2017 to 9/30/2018 and described in detail, the circumstances that necessitated the filing of the USAC appeal. The Administrator's Revised Funding Commitment Decision Letter issued by USAC on July 17, 2018 concluded that we did not show that USAC's determinations regarding the Form 500 Service Delivery Deadline Extension requests' denial were incorrect; therefore, the appeal was denied (See *Exhibit 1 - CASTRO VALLEY UNIF SCHO DIST Revised Funding Commitment Decision Letter*). USAC did not issue any outreach regarding this appeal. It appears as though USAC did not consider any of the extenuating circumstances or the timeline described in detail when they made their decision.

Castro Valley USD respectfully requests the Commission to overturn the USAC appeal denial and grant the Service Delivery Extension request which was filed not only in a timely manner but also in accordance with E-rate rules and direct guidance from USAC.

Conclusion and Request for Relief

Castro Valley Unified School District respectfully requests review of the FCC's program rules pertaining to USAC's determination that the Service Delivery Extension Request was received after the implementation deadline. We ask that the Commission to consider the original documentation timeline and ask USAC to reconsider its decision as all documentation to USAC **WAS** filed in a timely manner. All of this could have been avoided had USAC's procedures for reviewing and granting 2016 Service Delivery Deadline Extension requests been fully developed and consistent. Castro Valley Unified School District requests that the Service Delivery Extension request be granted and to consider extending the Service Delivery Deadline to 9/30/2019 on the simple fact the original requests were filed one year ago (on September 15, 2017) yet, USAC has been unable to approve the original allowable extension request. The repeated undeserved denials have had a significant impact on their ability to move forward with the project. The Castro Valley Unified School District should not be penalized when they have clearly followed FCC and USAC program rules. The District followed direct guidance and has fallen victim not only to USAC's E-Rate Productivity Center portal, but to inconsistent administrative procedural processes, and the myriad of challenges faced by applicants due to these fundamental flaws in EPC.

Respectfully Submitted,

/S/

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¹ Castro Valley Unified School District's Billed Entity Number (BEN) is 144196

² This Request for Review is timely filed in accordance with Sections 54.720 and 1.4 of the Commission's Rules within 60 days of the denial of the USAC appeal – Dated July 17, 2018

³ Castro Valley Unified School District's information available at <http://www.cv.k12.ca.us/>